## Remarks

Claims 1-7 and 9-11 are currently pending in the patent application, of which claims 1 and 4 are currently amended to correct clerical errors without alteration of the intended scope. Reconsideration and allowance of the application are respectfully requested.

In the Final Office Action dated June 30, 2008, the following rejections are indicated: claims 1, 6-7 and 9-11 stand rejected under 35 U.S.C. § 103(a) over the Sih reference (US Patent No. 6,608,858) in view of the Prysby reference (US Patent No. 6,888,878); claims 2-3 stand rejected under 35 U.S.C. § 103(a) over the Sih and Prysby references in view of the Ling reference (US Patent No. 6,363,102); claim 4 stands rejected under 35 U.S.C. § 103(a) over the Sih, Prysby and Ling references in view of the Ishizu reference (US Patent Pub. No. 2002/0015438); claim 5 stands rejected under 35 U.S.C. § 103(a) over the Sih, Prysby, Ling and Ishizu references, and further in view of the Huang reference (US Patent No. 6,154,443); claims 1, 6-7 and 9-11 stand rejected under 35 U.S.C. § 103(a) over the Sih reference; claims 2-3 stand rejected under 35 U.S.C. § 103(a) over the Sih reference in view of the Ling reference; claim 4 stands rejected under 35 U.S.C. § 103(a) over the Sih and Ling references in view of the Ishizu reference; and claim 5 stands rejected under 35 U.S.C. § 103(a) over the Sih, Ling and Ishizu references in view of the Huang reference. Applicant respectfully traverses these rejections. In the discussion set forth below, Applicant does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

The § 103(a) rejection of claims 1, 6-7 and 9-11 over Sih in view of Prysby is improper because the references do not teach all the elements recited in Applicant's claims, and because there is no valid combination of these references that would result in Applicant's invention. It is not disputed that the Sih reference fails to teach that each finger of a RAKE receiver includes a compensator to compensate for frequency shift at the symbol level. The Examiner attempts to correct the deficiencies of the Sih reference by adding elements of the Prysby reference allegedly relating to symbol level corrections. Applicant submits, however, that there is no evidence that the Prysby reference discloses or suggests compensation at the symbol level. The cited portions of Prysby (*see* Fig. 1) appear to relate to a RAKE receiver that provides compensation prior to symbol combining. However, the Prysby reference provides no teaching or disclosure that the

compensation that takes place prior to symbol combining is at the symbol level. Nor has the Examiner provided any evidence that the Prysby reference teaches compensation at the symbol level.

The Examiner's discussion further fails to provide adequate details regarding how the asserted combination is to be implemented. The Examiner's explanation simply states that the combination is an incorporation of a feature from Prysby. No details are provided as to how the features from Prysby would or could be incorporated into the receiver of Sih. Neither of the references appears to suggest that the two different compensation mechanisms would function together. Neither of the references (nor the Examiner) teaches or suggests how such a combination would be implemented. Without an analysis of such aspects and support thereof in the record, Applicant respectfully submits that the Examiner is merely identifying elements of the references and concluding that they would be combined in the manner taught by Applicant's specification. Per M.P.E.P. § 2142, such conclusory statements fail to establish a *prima facie* case for a 35 U.S.C. § 103(a) rejection. S*ee, also*, *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (U.S. 2007) ("A patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.").

Moreover, Applicant submits that the Prysby reference explicitly teaches away from the Examiner's asserted combination. While the Examiner cites to Prysby's Fig. 1 for its alleged disclosure relating to symbol level corrections, the Examiner ignores the teachings in the very next paragraph, which state that RAKE receivers such as shown in Fig. 1 require complex hardware to properly combine the signals from each finger (*see*, Col. 1:47-62). As such, Prysby proposes combining multipath components of the signal at the chip level rather than at the symbol level, stating that "the gains of diversity combining can be achieved for multipath signal reception without the need for symbol combining." *See*, Col. 2:25-29. Accordingly, the teachings of Prysby, when viewed as a whole, lead the skilled artisan away from the asserted combination. *See, e.g.*, M.P.E.P. § 2141.02, stating "A prior art reference must be considered in its entirety, *i.e.*, as a whole, including portions that would lead away from the claimed invention."

Further, Applicant respectfully submits that the Sih references already teaches frequency compensation, and as such the skilled artisan would not be motivated to provide such compensation from yet another source like the Prysby reference, particularly when the teachings of such additional reference are directed to removing the feature sought to be combined.

For at least the aforementioned reasons, Applicant respectfully submits that the § 103(a) rejection of claims 1, 6-7 and 9-11 over Sih in view of Prysby is improper, and requests that it be withdrawn.

The § 103(a) rejection of claims 2-3 over Sih and Prysby in further view of Ling is improper because the Ling reference fails to cure the deficiencies noted above with respect to the underlying proposed combination of Sih and Prysby. Applicant finds nothing in the Ling reference to overcome these deficiencies, and submits that the rejection fails for at least this reason.

Moreover, the Examiner does not dispute that Sih and Prysby fail to teach the recited finger compensator having a filter and an amplitude modulator coupled serially in the manner claimed, and asserts that Ling discloses such a filter and amplitude modulator. Applicant submits that the Examiner has failed to provide adequate details regarding how the asserted combination is to be implemented. The Examiner's explanation simply states that the combination is an incorporation of a feature from Ling. No details are provided as to how the features from Ling would or could be incorporated into a receiver resulting from the alleged combination of Sih with Prysby. None of the references appears to suggest that the filtering and amplitude modulation apparently disclosed by Ling would function with the receiver resulting from the alleged combination of Sih with Prysby. None of the references (nor the Examiner) teaches or suggests how such a combination would be implemented.

Further, Applicant respectfully submits that the Sih reference already teaches filtering and gain adjustment performed, and as such the skilled artisan would not be motivated to provide such functions from yet another source like the Ling reference.

For at least the aforementioned reasons, Applicant respectfully submits that the § 103(a) rejection of claims 2-3 over Sih and Prysby in view of Ling is improper, and requests that it be withdrawn.

The § 103(a) rejection of claim 4 over the Sih, Prysby and Ling references in view of the Ishizu reference is improper because the Ishizu reference fails to cure the deficiencies noted above with respect to the underlying proposed combination of Sih, Prysby and Ling. Applicant finds nothing in the Ishizu reference to overcome these deficiencies, and submits that the rejection fails for at least this reason.

Moreover, the Examiner's asserted motivation for modifying the system of Sih (already modified by Prysby and Ling) as taught by Ishizu is illogical. The Examiner asserts that the reason to combine is for providing phase compensation. Applicant respectfully submits that phase compensation is already provided in the Sih, Prysby and Ling references, and as such the skilled artisan would not be motivated to provide compensation for phase from yet another source.

For at least the aforementioned reasons, Applicant respectfully submits that the § 103(a) rejection of claim 4 over Sih, Prysby and Ling in view of Ishizu is improper, and requests that it be withdrawn.

The § 103(a) rejection of claim 4 over the Sih, Prysby, Ling and Ishizu references in view of the Huang reference is improper because the Huang reference fails to cure the deficiencies noted above with respect to the underlying proposed combination of Sih, Prysby, Ling and Ishizu. Applicant finds nothing in the Huang reference to overcome these deficiencies, and submits that the rejection fails for at least this reason.

Moreover, and as discussed above, the rejection improperly relies upon the Sih reference to teach correspondence to claim 1. Moreover, the rejection is improper for the reasons discussed in connection with claims 2-4. Applicant further submits that the Examiner's alleged combination now includes at least four different compensation elements, many of which would appear to be duplicative. Applicant respectfully submits that the skilled artisan would not be motivated, nor understand how to combine, the four different components into a working system. Specifically, the references do not teach that the various elements plucked from the references by the Examiner are modular and could be implemented in connection with one another. Applicant respectfully submits that the rejection is not proper under 35 U.S.C. § 103(a) for failing to address how the elements would be combined to properly function.

For at least the aforementioned reasons, Applicant respectfully submits that the § 103(a) rejection of claim 5 over Sih, Prysby, Ling and Ishizu in view of Huang is improper, and requests that it be withdrawn.

The § 103(a) rejection of claims 1, 6-7 and 9-11 over Sih is improper because there is no valid reason to modify the Sih reference as proposed by the Examiner. It is not disputed that Sih fails to teach fingers of a RAKE receiver that include a compensator to compensate for frequency shift at the symbol level. The Examiner instead alleges that Sih discloses compensation for frequency offsets at the sample level, and concludes that one of skill in the art would seek to replace Sih's compensation with the compensation claimed by Applicant. In attempting to provide a rationale to so modify Sih, the Examiner asserts that there is no support in the record for the skilled artisan to believe that one type compensation has a benefit relative to the other, and then makes the conclusory statement that the proposed modification would improve channel compensation. Applicant submits that the Examiner's proposed rationale is a matter of opinion that is admitted to be unsupported by the record. Moreover, Applicant submits that the Examiner's rationale, which admittedly is unsupported by the record, appears to rely upon improper hindsight reconstruction from Applicant's specification.

Due to conflicting statements by the Examiner and the lack of support in the record to support the Examiner's alleged reason to implement the asserted combination, Applicant respectfully submits that the § 103(a) rejection of claims 1, 6-7 and 9-11 over Sih cannot stand and requests that it be withdrawn.

Applicant respectfully asserts that the remaining rejections are improper, those being a rejection of claims 2-3 under 35 U.S.C. § 103(a) over the Sih reference in view of the Ling reference; of claim 4 under 35 U.S.C. § 103(a) over the Sih and Ling references in view of the Ishizu reference; and of claim 5 under 35 U.S.C. § 103(a) over the Sih, Ling and Ishizu references in view of the Huang reference. For the reasons presented above, including the impropriety of the rejections of claim 1 (from which each of claims 2-5 depends), Applicant submits that the rejections are improper and requests that they be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-9063.

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